IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 9TH NOVEMBER 2006 / 18TH KARTHIKA 1928

WP(C).No. 15558 of 2006(B)

PETITIONER:

SAJI.V.JOHN, L.P.S.A. STO.JOSEPHS L.P. SCHOOL, PANTHALLUR(NOW UNDER SUSPENSION), RESIDING AT VETTUVAZHAYIL HOUSE, PUTHANANGADI, MALAPPURAM.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS:

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1. THE DIRECTOR OF PUBLIC INSTRUCTION, JAGATHY, THIRUVANANTHAPURAM.

2. THE ASSISTANT EDUCATIONAL OFFICER, MANKADA, MALAPPURAM.

3. THE CORPORATION MANAGER, CORPORATE EDUCATIONAL AGENCY, DIOCESE OF THAMARASSERY, THAMARASSERY.

4. THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION (B) DEPARTMENT, TRIVANDRUM.

R3 BY ADV. SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR
R1, R2 & R4 BY SHRI A.J. VARGHESE, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF THE LETTER DATED 16.9.2004 ISSUED BY R2

EXT.P2-TRUE COPY OF ORDER DATED 14.5.2005 ISSUED BY R3

EXT.P3-TRUE COPY OF ORDER DATED 11.1.06 ISSUED BY R3

EXT.P4-TRUE COPY OF REVISION PETITION PREFERRED BEFORE R4

EXT.P5-TRUE COPY OF REVISIONAL ORDER PASSED BY R4 DATED 2.5.2006

RESPONDENTS' EXTS:

EXT.R3(A)-TRUE COPY OF LETTER DATED 24.11.2005 ISSUED BY DPI, TVM. TO R3

EXT.R3(B)-TRUE COPY OF LETTER DATED 21.12.2005 ISSUED BY R2

EXT.R3(C)-TRUE COPY OF ORDER DATED 20.1.2006 OF R3

ANNEXURE I-TRUE COPY OF ORDER OF DEPUTY DIRECTOR OF MALAPPURAM TO AEO MANJERI DATED 24.1.2006

ANNEXURE II-TRUE COPY OF COMMUNICATION RECEIVED FROM GOVERNMENT DATED 30.11.2005

ANNEXURE III-TRUE COPY OF COMMUNICATION FROM DEPUTY SUPERINTENDENT OF POLICE, VIGILANCE AND ANTI CORRUPTION BUREAU, MALAPPURAM DATED 27.8.2005

// TRUE COPY //

A. K. Basheer, J.

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W.P.(C)No.15558 Of 2006-B

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Dated this the 9th day of November, 2006.

JUDGMENT

Petitioner was suspended from service while he was working as Lower Primary School Assistant in an aided Lower Primary school. The charge against him and the Headmistress of the school was that a huge sum of money in the Sanjaika Account was misappropriated. A crime was registered in this connection for offences punishable under Section 13(1)(d) read with Section 13(2) of Prevention of Corruption Act and also under Sections 403, 409, 418, 465 and 471 read with Section 34 I.P.C. It is the admitted position that the Vigilance and Anti-Corruption Bureau is in charge of the enquiry/investigation. It is also brought to my notice that the investigation is in its last stage. The grievance of the petitioner is that because of the delay in completing the investigation, he is forced to remain under suspension. Though the petitioner had approached the Government with a prayer to revoke the suspension, his plea was rejected. Ext.P5 is stated to be the order passed by the Government in this regard. The petitioner has challenged Ext.P5 order in this writ petition. He prays for other incidental reliefs as well. Learned Govt. Pleader submits that the investigation is expected to be completed very soon.

In the above facts and circumstances, this writ petition is disposed of with a direction to the Deputy Superintendent of Police, Malappuram who is in charge of

the enquiry, to expedite the process and complete the same as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment. It will be open to the petitioner to approach the appropriate authority for review of the order of suspension after the report is submitted by the Vigilance and Anti Corruption Bureau.

The writ petition is closed with the above directions.

(A.K. Basheer)
Judge.

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